HON'BLE SHRI G.S. SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V.NAGARJUNA REDDY

Writ Petition No.4223 of 2007

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Between:

Sri Venkateswara Non Ferrous Foundry,
Hyderabad. …Petitioner.

And

The Secretary to the Government,
Department of Revenue, New Delhi
and two others. ….Respondents.

:: O R D E R ::

Counsel for the petitioner : Sri G. Natarajan for
Ms. J. Anitha

Counsel for the respondents : Sri A. Rajashekar Reddy,
Assistant Solicitor General.

13th March, 2007

Per G.S. SINGHVI, C.J.

In this petition, the petitioner has made the following substantive prayer:

> "It is prayed that this Hon'ble Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring Rule 12AA/12CC and Notification 30/2006 of the Central Excise Rules, 2002/Cenvat Credit Rules, 2004 as ultra vires Section 37 of the Central Excise Act, 1944 and Articles 14, 19(1)(g), 265 and 300-A of the Constitution of India insofar as the petitioner is concerned and pass such other order or orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case."

After arguing the case for some time, learned counsel for the petitioner made a request that his client may be permitted to withdraw this petition with liberty to file fresh one.

The request of the learned counsel is accepted and the writ petition is dismissed as withdrawn with liberty in terms of the prayer made.

As a sequel to dismissal of the writ petition as withdrawn, WPMP. No.5399 of 2007 filed by the petitioner for interim relief is disposed of as infructuous.

G.S.SINGHVI, C.J.

13th March, 2007

C.V.NAGARJUNA REDDY, J.

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